

REMARKS

Status

This Amendment is responsive to the Office Action dated March 11, 2004, in which Claims 16-23 were rejected. No claims have been canceled; no claims have been amended; and new Claims 24-25 have been added. Accordingly, Claims 16-25 are pending in the application, and are presented for reconsideration and allowance.

Claim Rejection - 35 USC 103

Claims 16-23 stand rejected under 35 USC 103 as being unpatentable over US Patent No. 5,382,798 (*Mouyen*) in view of US Patent No. 6,030,119 (*Tachibana*). As best understood by Applicant, the Office Action indicates that it would have been obvious to modify *Mouyen* to incorporate a plurality of optical fibers for connection to cylindrical rods, and further, that a person skilled in the art would have been motivated to make such a modification so that converted radiation (visible light) is captured and channeled to the sensing elements as suggested by *Tachibana*. This rejection is respectfully traversed.

Tachibana's scintillator is comprised of a fluorescent plate (34) that converts the x-ray to visible light. This plate has the mere function to transform the wavelength of the x-rays but not to guide the x-rays or the light rays. Therefore, one can see in *Tachibana* a need to provide means able to channel the light that is produced, from the fluorescent plate (34) to the sensing elements (32). These means are the optical fibers.

The need to channel or guide light rays after the scintillator does however not exist in *Mouyen*. *Mouyen* does not have a scintillator plate, but a plurality of rods produced from a material enabling both the transformation of wavelength and the guiding functions. So an additional guiding or "channeling" function is not necessary.

At the time the present invention was made, and since there was no need for guiding or channeling light, a person skilled in the art had no motivation to transfer the guiding function of the optical fibers from *Tachibana* to *Mouyen*.

Further, *Mouyen* must be considered in its entirety, including aspects that teach away from the present invention as claimed. For example, *Mouyen* states at Col. 1, lines 51-57 that:

“Contrary to the sensors of the prior art, the sensor of the invention does not comprise an optic fiber system, which makes it possible notably to greatly reduce the overall dimensions of the device, this being of great interest in some applications here the space usable for the examination is limited, for example, inside the buccal cavity.”

Accordingly, at the time the present invention was made, *Mouyen* taught away from including optical fibers in an intra-buccal sensor. As such, a person skilled in the art has no motivation/reason to modify the device of *Mouyen*. Rather, the person skilled in the art is taught away from doing so.

For these reasons, independent Claim 16 is not obvious and believed to be patentable over the cited references.

Claims 17-23 are dependent on Claim 16, and therefore includes all the features thereof. For the reasons set forth above with regard to Claim 16, Claims 17-23 are also believed to be patentable.

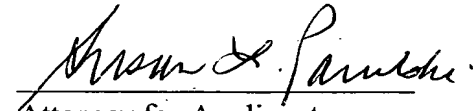
Summary

Should the Examiner consider that additional amendments are necessary to place the application in condition for allowance, the favor is requested of a telephone call to the undersigned counsel for the purpose of discussing such amendments.

For the reasons set forth above, it is believed that the application is in condition for allowance. Accordingly, reconsideration and favorable action are respectfully solicited.

The Commissioner is hereby authorized to charge any fees in connection with this communication to Eastman Kodak Company Deposit Account No. 05-0225.

Respectfully submitted,



Attorney for Applicants
Registration No. 39,324

Susan L. Parulski/djw
Rochester, NY 14650-2201
Telephone: (585) 477-4027
Facsimile: (585) 477-4646